

AMENDED IN ASSEMBLY APRIL 28, 2003  
AMENDED IN ASSEMBLY MARCH 18, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 158**

**Introduced by Assembly Member Runner**

January 22, 2003

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An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

### LEGISLATIVE COUNSEL'S DIGEST

AB 158, as amended, Runner. Controlled substances: manufacture.

(1) Existing law generally makes it a felony for a person to possess specified substances at the same time with the intent to manufacture methamphetamine, N-ethylamphetamine, or phencyclidine. Existing law *also* provides that *the* possession of immediate precursors sufficient for the manufacture of the specified substances, or possession of any compound or mixture containing any of the specified substances, shall be deemed to be possession of those specified substances.

This bill would revise the latter provision to provide instead that the possession of precursors, compounds, or mixtures relating to *the* specified substances, with an intent to manufacture ~~those specified substances or any controlled substance shall be deemed to be possession of the specified substances~~ *methamphetamine, is a felony punishable by 2, 4, or 6 years in the state prison. By creating new crimes, the bill would impose a state-mandated local program.*

(2) Existing law provides that any person who, with intent to manufacture methamphetamine, possesses hydriodic acid is guilty of a felony and shall be punished by imprisonment in the state prison for 2, 4, or 6 years. Existing law provides that the possession of essential chemicals sufficient to manufacture hydriodic acid, with intent to manufacture methamphetamine, shall be deemed to be possession of hydriodic acid.

This bill would specify red phosphorous, *and* iodine, ~~and tincture of iodine~~ as within the class of essential chemicals sufficient to manufacture hydriodic acid.

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 11383 of the Health and Safety Code is  
2 amended to read:

3 11383. (a) Any person who possesses both methylamine and  
4 phenyl-2-propanone (phenylacetone) at the same time with the  
5 intent to manufacture methamphetamine, or who possesses both  
6 ethylamine and phenyl-2-propanone (phenylacetone) at the same  
7 time with the intent to manufacture N-ethylamphetamine, is guilty  
8 of a felony and shall be punished by imprisonment in the state  
9 prison for two, four, or six years.

10 (b) Any person who possesses at the same time any of the  
11 following combinations, or a combination product thereof, with  
12 intent to manufacture phencyclidine (PCP) or any of its analogs  
13 specified in paragraph (22) of subdivision (d) of Section 11054 or  
14 paragraph (3) of subdivision (e) of Section 11055 is guilty of a  
15 felony and shall be punished by imprisonment in the state prison  
16 for two, four, or six years:

17 (1) Piperidine and cyclohexanone.

18 (2) Pyrrolidine and cyclohexanone.

19 (3) Morpholine and cyclohexanone.



(c) (1) Any person who, with intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses a substance containing ephedrine or pseudoephedrine, or any salts, isomers, or salts of isomers of ephedrine or pseudoephedrine, or who possesses at the same time any of the following, or a combination product thereof, is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years:

(A) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus hydriodic acid.

(B) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, thionyl chloride and hydrogen gas.

(C) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, or phenylpropanolamine, plus phosphorus pentachloride and hydrogen gas.

(D) Ephedrine, pseudoephedrine, norpseudoephedrine, N-methylephedrine, N-ethylephedrine, N-methylpseudoephedrine, N-ethylpseudoephedrine, chloroephedrine and chloropseudoephedrine, or phenylpropanolamine, plus any “reducing” agent.

(2) Any person who, with intent to manufacture methamphetamine or any of its analogs specified in subdivision (d) of Section 11055, possesses hydriodic acid or any product containing hydriodic acid is guilty of a felony and shall be punished by imprisonment in the state prison for two, four, or six years.

(d) For purposes of this section, “reducing” means a chemical reaction in which hydrogen combines with another substance or in which oxygen is removed from a substance.

~~(e) For purposes of this section, possession of the optical,~~

1 (e) Any person who possesses the optical, positional, or  
2 geometric isomer of any of the compounds listed in ~~this section~~  
3 ~~shall be deemed to be possession of the derivative substance.~~

4 ~~(f) For purposes of this section, possession of immediate this~~  
5 ~~section, with intent to manufacture any of those compounds, is~~  
6 ~~guilty of a felony and shall be punished by imprisonment in the~~  
7 ~~state prison for two, four, or six years.~~

8 (f) Any person who possesses immediate precursors sufficient  
9 for the manufacture of methylamine, ethylamine,  
10 phenyl-2-propanone, piperidine, cyclohexanone, pyrrolidine,  
11 morpholine, ephedrine, pseudoephedrine, norpseudoephedrine,  
12 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,  
13 hydriodic acid, thionyl chloride, or ~~phosphorus pentachloride,~~  
14 ~~with the intent to manufacture any of these substances or any~~  
15 ~~controlled substance, shall be deemed to be possession of the~~  
16 ~~derivative substance. Additionally, possession of essential~~  
17 ~~chemicals, including, but not limited to, red phosphorous, iodine,~~  
18 ~~or tincture of iodine, sufficient to manufacture hydriodic acid, with~~  
19 ~~intent to manufacture methamphetamine, shall be deemed to be~~  
20 ~~possession of hydriodic acid. Additionally, possession of any~~  
21 ~~compound or mixture phosphorus pentachloride, with intent to~~  
22 ~~manufacture methamphetamine, is guilty of a felony and shall be~~  
23 ~~punished by imprisonment in the state prison for two, four, or six~~  
24 ~~years.~~

25 (g) Any person who possesses essential chemicals, including,  
26 but not limited to, red phosphorous or iodine, sufficient to  
27 manufacture hydriodic acid, with intent to manufacture  
28 methamphetamine, is guilty of a felony and shall be punished by  
29 imprisonment in the state prison for two, four, or six years.

30 (h) Any person who possesses any compound or mixture  
31 containing piperidine, cyclohexanone, pyrrolidine, or morpholine  
32 ephedrine, pseudoephedrine, norpseudoephedrine,  
33 N-methylephedrine, N-ethylephedrine, phenylpropanolamine,  
34 hydriodic acid, thionyl chloride, or phosphorus pentachloride,  
35 ~~with the intent to manufacture a controlled substance, shall be~~  
36 ~~deemed to be possession of the substance.~~

37 ~~(g) Subdivisions (a), (b), (c), (e), and (f) do not apply to drug~~  
38 ~~with intent to manufacture methamphetamine, is guilty of a felony~~  
39 ~~and shall be punished by imprisonment in the state prison for two,~~  
40 ~~four, or six years.~~

1     *(i) This section does not apply to drug manufacturers licensed*  
2 *by this state or persons authorized by regulation of the Board of*  
3 *Pharmacy to possess those substances or combinations of*  
4 *substances.*

5     *SEC. 2. No reimbursement is required by this act pursuant to*  
6 *Section 6 of Article XIII B of the California Constitution because*  
7 *the only costs that may be incurred by a local agency or school*  
8 *district will be incurred because this act creates a new crime or*  
9 *infraction, eliminates a crime or infraction, or changes the penalty*  
10 *for a crime or infraction, within the meaning of Section 17556 of*  
11 *the Government Code, or changes the definition of a crime within*  
12 *the meaning of Section 6 of Article XIII B of the California*  
13 *Constitution.*

